

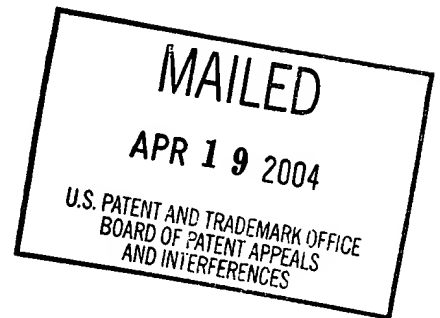
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TAMMY ZHENG,
CALVIN TODD GABRIEL
and SAMIT SENGUPTA

Application 09/775,370

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was received at the Board of Patent Appeals and Interferences (BPAI) on March 25, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

First, on March 19, 2003, the examiner filed an examiner's answer (Paper No. ~~14~~). There is no proper indication that an appeal conference was held. The Manual of Patent Examining Procedures (MPEP) § 1208 states:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal.

...

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. **These two appeal conference participants must place their initials next to their names. This will make the record clear than an appeal conference has been held.**

The examiner's answer is missing the initials of the second conferee.

Secondly, a Notice of Appeal was filed on November 27, 2002 (Paper No. 12) and an Appeal Brief was filed on January 27, 2003 (Paper No. 13). On the record before us, it is not apparent that the proper fees, for either the Notice of Appeal or the Appeal Brief, have been charged as directed by applicants.


Application 09/775,370

Accordingly, it is

ORDERED that this application be returned to the examiner for 1) proper indication that an appeal conference was held, 2) that the proper fees be charged as directed by applicants, and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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